

AN ACT

relating to the Texas Academy of Mathematics and Science at The University of Texas at Brownsville.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 78, Education Code, is amended by adding Section 78.10 to read as follows:

Sec. 78.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE.

(a) In this section, "academy" means the Texas Academy of Mathematics and Science at The University of Texas at Brownsville.

(b) The Texas Academy of Mathematics and Science is a division of The University of Texas at Brownsville and is under the management and control of the board. The academy serves the following purposes:

(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:

(A) allows students to complete high school graduation requirements, including requirements adopted under Section 28.025 for the advanced high school program, while attending for academic credit a public institution of higher education;

(B) fosters students' knowledge of real-world mathematics and science issues and applications and teaches students to apply critical thinking and problem-solving skills to

1 those issues and problems;

2 (C) includes the study of English, foreign  
3 languages, social studies, mathematics, science, and technology;  
4 and

5 (D) offers students learning opportunities  
6 related to mathematics and science through in-depth research and  
7 field-based studies;

8 (2) to provide students with an awareness of  
9 mathematics and science careers and professional development  
10 opportunities through seminars, workshops, collaboration with  
11 postsecondary and university students including opportunities for  
12 summer studies, internships in foreign countries, and similar  
13 methods; and

14 (3) to provide students with social development  
15 activities that enrich the academic curriculum and student life,  
16 including, as determined appropriate by the academy, University  
17 Interscholastic League activities and other extracurricular  
18 activities.

19 (c) The academy is a coeducational institution for selected  
20 Texas high school students with an interest in and the potential to  
21 excel in mathematics and science studies. The academy shall admit  
22 only high school juniors and seniors, except that the academy may  
23 admit a student with exceptional abilities who is not yet a high  
24 school junior. The board shall set aside adequate space on the  
25 university campus in Brownsville to operate the academy and  
26 implement the purposes of this section. The academy must operate on  
27 the same fall and spring semester basis as the university.

1 Full-time students of the academy must enroll for both the fall and  
2 spring semesters. Faculty members of the university shall teach  
3 all academic classes at the academy. A student of the academy may  
4 attend a college course offered by the university and receive  
5 college credit for that course.

6 (d) Except as otherwise provided by this subsection, the  
7 university administration has the same powers and duties with  
8 respect to the academy that the administration has with respect to  
9 the university. The board shall consult with the vice president for  
10 academic affairs and the dean of the School of Education and other  
11 members of the administration as the board considers necessary  
12 concerning the academy's administrative design and support,  
13 personnel and student issues, and faculty development. The board  
14 shall consult with the dean of the College of Science, Mathematics  
15 and Technology and other members of the administration as the board  
16 considers necessary concerning the academy's curriculum  
17 development, program design, and general faculty issues. The  
18 board, in consultation with university administration, shall:

19 (1) establish an internal management system for the  
20 academy and appoint an academy principal who serves at the will of  
21 the board and reports to the vice president for academic affairs;

22 (2) provide for one or more academy counselors;

23 (3) establish for the academy a site-based  
24 decision-making process similar to the process required by  
25 Subchapter F, Chapter 11, that provides for the participation of  
26 academy faculty, parents of academy students, and other members of  
27 the community; and

1           (4) establish an admissions process for the academy.

2           (e) The student-teacher ratio in all regular academic  
3 classes at the academy may not exceed 30 students for each classroom  
4 teacher, except that the student-teacher ratio may exceed that  
5 limit:

6           (1) in a program provided for the purposes prescribed  
7 by Subsection (b)(2) or another special enrichment course or in a  
8 physical education course;

9           (2) if the board determines that a class with a higher  
10 student-teacher ratio would contribute to the educational  
11 development of the students in the class; or

12           (3) if an academy class is combined with a university  
13 class with more than 30 students.

14           (f) The academy shall provide the university-level  
15 curriculum in a manner that is appropriate for the social,  
16 psychological, emotional, and physical development of high school  
17 juniors and seniors. The administrative and counseling personnel  
18 of the academy shall provide continuous support to and supervision  
19 of students.

20           (g) For each student enrolled in the academy, the academy is  
21 entitled to allotments from the foundation school fund under  
22 Chapter 42 as if the academy were a school district without a tier  
23 one local share for purposes of Section 42.253. If in any academic  
24 year the amount of the allotments under this subsection exceeds the  
25 amount of state funds paid to the academy in the first fiscal year  
26 of the academy's operation, the commissioner of education shall set  
27 aside from the total amount of funds to which school districts are

1 entitled under Section 42.253(c) an amount equal to the excess  
2 amount and shall distribute that amount to the academy. After  
3 deducting the amount set aside and paid to the academy by the  
4 commissioner of education under this subsection, the commissioner  
5 of education shall reduce the amount to which each district is  
6 entitled under Section 42.253(c) in the manner described by Section  
7 42.253(h). A determination of the commissioner of education under  
8 this subsection is final and may not be appealed.

9 (h) The board may use any available money, enter into  
10 contracts, and accept grants, including matching grants, federal  
11 grants, and grants from a corporation or other private contributor,  
12 in establishing and operating the academy. Money spent by the  
13 academy must further the purposes of the academy under Subsection  
14 (b).

15 (i) The liability of the state under Chapters 101 and 104,  
16 Civil Practice and Remedies Code, is limited for the academy and  
17 employees assigned to the academy and acting on behalf of the  
18 academy to the same extent that the liability of a school district  
19 and an employee of the school district is limited under Sections  
20 22.0511, 22.0512, and 22.052 of this code and Section 101.051,  
21 Civil Practice and Remedies Code. An employee assigned to the  
22 academy is entitled to representation by the attorney general in a  
23 civil suit based on an action or omission of the employee in the  
24 course of the employee's employment, to limits on liability, and to  
25 indemnity under Chapters 104 and 108, Civil Practice and Remedies  
26 Code.

27 (j) Except as otherwise provided by this section, the

1 academy is not subject to the provisions of this code, or to the  
2 rules of the Texas Education Agency, regulating public schools.

3 SECTION 2. Subsection (a), Section 25.086, Education Code,  
4 is amended to read as follows:

5 (a) A child is exempt from the requirements of compulsory  
6 school attendance if the child:

7 (1) attends a private or parochial school that  
8 includes in its course a study of good citizenship;

9 (2) is eligible to participate in a school district's  
10 special education program under Section 29.003 and cannot be  
11 appropriately served by the resident district;

12 (3) has a physical or mental condition of a temporary  
13 and remediable nature that makes the child's attendance infeasible  
14 and holds a certificate from a qualified physician specifying the  
15 temporary condition, indicating the treatment prescribed to remedy  
16 the temporary condition, and covering the anticipated period of the  
17 child's absence from school for the purpose of receiving and  
18 recuperating from that remedial treatment;

19 (4) is expelled in accordance with the requirements of  
20 law in a school district that does not participate in a mandatory  
21 juvenile justice alternative education program under Section  
22 37.011;

23 (5) is at least 17 years of age and:

24 (A) is attending a course of instruction to  
25 prepare for the high school equivalency examination, and:

26 (i) has the permission of the child's parent  
27 or guardian to attend the course;

1 (ii) is required by court order to attend  
2 the course;

3 (iii) has established a residence separate  
4 and apart from the child's parent, guardian, or other person having  
5 lawful control of the child; or

6 (iv) is homeless as defined by 42 U.S.C.  
7 Section 11302; or

8 (B) has received a high school diploma or high  
9 school equivalency certificate;

10 (6) is at least 16 years of age and is attending a  
11 course of instruction to prepare for the high school equivalency  
12 examination, if:

13 (A) the child is recommended to take the course  
14 of instruction by a public agency that has supervision or custody of  
15 the child under a court order; or

16 (B) the child is enrolled in a Job Corps training  
17 program under ~~[the Job Training Partnership Act (]~~ 29 U.S.C.  
18 Section 2881 ~~[1501]~~ et seq. ~~[), and its subsequent amendments]~~;

19 (7) is enrolled in the Texas Academy of Mathematics  
20 and Science under Subchapter G, Chapter 105;

21 (8) is enrolled in the Texas Academy of Leadership in  
22 the Humanities; ~~[or]~~

23 (9) is enrolled in the Texas Academy of Mathematics  
24 and Science at The University of Texas at Brownsville; or

25 (10) is specifically exempted under another law.

26 SECTION 3. Section 28.024, Education Code, is amended to  
27 read as follows:

1           Sec. 28.024. CREDIT FOR ENROLLMENT IN CERTAIN ACADEMIES. A  
2 school district shall grant to a student credit toward the academic  
3 course requirements for high school graduation, up to a maximum of  
4 two years of credit, for courses the student successfully completes  
5 at:

6                   (1) the Texas Academy of Leadership in the Humanities  
7 under Section 96.707 [~~Subchapter E, Chapter 108~~]; [~~or~~]

8                   (2) the Texas Academy of Mathematics and Science under  
9 Subchapter G [~~H~~], Chapter 105; or

10                   (3) the Texas Academy of Mathematics and Science under  
11 Section 78.10.

12           SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1452 passed the Senate on May 10, 2005, by the following vote: Yeas 24, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1452 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor